



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

see 1 GREENLEAF, EVIDENCE, 16 ed., § 162 b. A few states, notably New York, admit these more articulate expressions of present pain only if made to a physician during consultation. *Kennedy v. Rochester City & B. R. R. Co.*, 130 N. Y. 654, 29 N. E. 141; *Lake St. Elevated Ry. Co. v. Shaw*, 203 Ill. 39, 67 N. E. 374. And the consultation must intend medical treatment. *Davidson v. Cornell*, 132 N. Y. 228, 30 N. E. 573. This New York limitation, which developed only after the Code gave parties the right themselves to testify regarding their suffering, is condemned as illogical. See 3 WIGMORE, EVIDENCE, § 1719. A more flexible rule is required, yet one not without some guarantees of trustworthiness. Kansas admits statements of present pain only when validated by other evidence concerning the circumstances under which they were uttered. *St. Louis and Santa Fé R. R. Co. v. Chaney*, 77 Kan. 276, 94 Pac. 126. Some such safeguard is essential. As the meagre report of the principal case affords no indication that any guarantee was exacted before admitting the evidence, the decision is possibly wrong.

GIFTS — GIFTS *INTER VIVOS* — OWNERSHIP OF WEDDING GIFTS.—The plaintiff received money as a wedding gift from her mother to purchase furniture. After the furniture had been bought and used in the home, plaintiff's husband claimed an interest in it as joint owner. *Held*, that he had no such interest. *Wainess v. Jenkins*, 180 N. Y. Supp. 627.

Before the Married Woman's Property Acts, the property in gifts to the wife usually vested in the husband by reason of his marital rights. *Tllexan v. Wilson*, 43 Me. 186. And it was, therefore, not always necessary to determine the precise donee. Under modern statutes, with the possibility of separate ownership in the wife, it is important to distinguish the real donee of wedding gifts. As in the case of other gifts, the problem is to discover the intention of the donor, which, in the absence of express words, is to be inferred from the nature of the article, the relation between the donor and donee, and like circumstances. This reasoning, with the finding of title in the wife, has been used in cases of a devise of a separate estate. See *Miller v. Miller's Adm'r*, 92 Va. 510, 512, 23 S. E. 891, 892; *Duke's Heirs v. Duke's Devisees*, 81 Ky. 308, 311. And a similar result has been reached, as in the principal case, in gifts of personality. *In re Grant*, 2 Story (U. S. C. C.), 312; *Graham v. Londonderry*, 3 Atk. 393; *Lyon v. Lyon*, 24 Ky. Law Rep. 2100, 72 S. W. 1102; *Ilgenfritz v. Ilgenfritz*, 49 Mo. App. 127.

HOMICIDE — INTENT — EFFECT OF INTOXICATION ON *MENS REA*.— Respondent ravished a girl of thirteen. To stop her screams he placed his hand over her mouth and pressed his thumb on her throat so that she died from suffocation. On an indictment for murder respondent pleaded drunkenness. The trial court directed the jury that this defense could prevail only if the accused, because of his drunkenness did not know what he was doing or that it was wrong. The jury found a verdict of murder. The Court of Criminal Appeal held that there had been a misdirection, resting on *Rex v. Meade*, [1909] 1 K. B. 895. *Held*, that the conviction be restored. *Director of Pub. Prosec. v. Beard*, [1920] A. C. 479.

For a discussion of the principles involved in this case, see NOTES, p. 78, *supra*.

HUSBAND AND WIFE. — PRESUMPTION OF COERCION — EFFECT OF MARRIED WOMAN'S ACT.—Defendant, a married woman, was convicted of selling intoxicating liquors without a license. The trial court had refused to instruct the jury that there was a presumption that a married woman, who committed a crime in the presence of her husband, acted under his coercion, and should not be found guilty unless this presumption was overcome by the evidence.